

REMARKS

Thank you for your indication of allowable subject matter. Please reconsider this application in view of the above amendments and the following remarks.

- Claims 1-24 are pending.
- Claims 1-24 are rejected.
- Claims 5, 6, 10, 13, 14, 18, 21, and 22 would be allowable if rewritten to overcome 35 USC §112 rejections.

The claims have been amended to address the 35 USC §112 problems as discussed by the Examiner in the instant office action. Applicant believes that the current amendments cure the defects pointed out by the Examiner.

Claim 1 has been amended to correct an obvious error. Support for this correction can be found in paragraph 6 of the current application.

U. S. Patent No. 6,372,283, to Shim et al. (D1) teaches cleaning the substrate of pyrolytic carbon with acetone, coating the substrate with a silane, and drying the silane-coated substrate. After these procedures, the substrate is placed into a plasma reactor, and a mixture of inert gas and film-forming monomer is introduced into the chamber, where it undergoes plasma deposition. After a set amount of time, the reactor is disassembled, and the shims are removed. At this point, the shims can be primed or coated with liquid silicone rubber.

The Examiner has rejected claims 1-3, 7-9, 11, 15-17, 19, 23, and 24 under 35 USC §103(a) as being unpatentable over D1.

In order for D1 to make the claims of the instant application obvious, D1 combined with the knowledge of one of ordinary skill in the art must teach or make obvious each and every element of the rejected claims.

D1 fails to do so for at least three elements in applicant's claims. First, applicant recites "a chamber in which a coating composition comprising a coating solvent can be applied to an implantable device." But D1 teaches only a pressure controlled plasma reactor. Those of ordinary skill in the art do not introduce liquids into high vacuum plasma reactors. Therefore D1 does not teach "a chamber in which a coating composition comprising a coating solvent can be applied to an implantable device."

Second, D1 does not teach a solvent inside its low-pressure coating apparatus. The Examiner seems to equate a solvent with an inert gas or combination of inert gases on page 5 of the current office action. But those of ordinary skill in the art do not consider inert gases to be solvents. In this art, a solvent is a part of a solution that dissolves a solute, the liquid part. Moreover, inert gases are thought to be substantially incapable of chemically interacting with a solute in such a way that they could be described as dissolving the solute.

For claim 1, if, for the sake of argument, one of ordinary skill in the art considered an inert gas to be a solvent, that solvent would be considered volatile, according to the definition of volatile in the current application (paragraph 17), because it would have a vapor pressure of greater than 30 torr at the application temperature. The specific inert gas named in D1 is argon; it has one of the highest vapor pressure of commonly used inert gases. Argon's vapor pressure at its boiling point is 760 torr. And its boiling point is 87 Kelvin. To achieve a vapor pressure for argon of less than 30 torr, one of ordinary skill in the art would expect to have to cool argon well below its boiling point. Such temperatures are 250-300°C below room temperature. If such extreme temperatures were envisioned by D1, one of ordinary skill in the art would expect D1 to disclose them.

Continuing this line of reasoning, that argon is a solvent and is volatile, claim 1 requires that the pressure of the chamber be greater than 760 torr: "wherein other than ambient pressure is less than 760 torr if the coating solvent is non-volatile, and alternatively, wherein other than ambient pressure is greater than 760 torr if the coating solvent is volatile." But D1 discloses the pressure in its pressure chamber as being typically

about 0.1 torr, which is almost 10,000 times smaller than required by claim 1. (D1, column 5, line 8).

For claim 9, in addition to the missing elements discussed above, D1 is silent about selecting an application pressure keyed to a desired solvent evaporation rate. For claim 17, in addition to the missing elements discussed above, D1 is silent about selecting an application pressure keyed to the vapor pressure of a coating solvent.

Because D1 combined with the knowledge of one of ordinary skill in the art does not teach or make obvious each and every element of the rejected claims, the current claims are patentable over D1 combined with the knowledge of a skilled artisan. The same line of reasoning can be applied to all of the dependent claims in this rejection because each of the dependent claims in this rejection contains all the limitations of their parent claims. Therefore, the dependent claims are patentable over D1, as well.

Please remove this obviousness-based rejection.

The Examiner has rejected claims 4, 12, and 20 under 35 USC §103(a) as being unpatentable over D1 and further in view of Vallana et al., U. S. Patent No. 5,370, 684, D2.

D1 suffers from the same infirmities for these claims as was discussed above. D2 does not cure these infirmities. Therefore, claims 4, 12, and 20 are allowable for at least the same reasons that are discussed above for their parent claims.

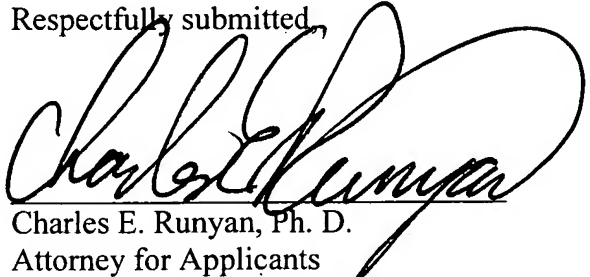
Please remove this obviousness-based rejection.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If I can be of any help, please contact me.

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